

REMARKS

The Examiner has remarked upon the references cited in the "Background" of the specification as not being considered without the filing of an Information Disclosure Statement. These references are WO 094071 and US 5,172,464.

Applicant has now filed a Supplemental Information Disclosure, pursuant to 37 CFR §1.97(e), which cites WO 094071. This reference has recently been cited in the prosecution of a parallel application in the European Patent Office. The U.S. counterpart of the disclosure of WO 094071 is recited in U.S. patent 6,785,942.

Claim 2 stands rejected under 35 USC §112, second paragraph, for a lack of antecedence. Claim 2 has now been amended to overcome this §112 rejection.

Claims 1-2 stand provisionally rejected for double patenting with respect to co-pending U.S. patent application 10/541,430 (US 2006/0260907). A terminal disclaimer is being filed to overcome this double patenting rejection. The requisite fee pursuant to 37 CFR 1.20(d) is attached.

Claims 1-2 stand rejected under 35 USC §102(f) in view of Ota (US 2006/0260907). Makino Milling Machine Co., Ltd is the assignee and owner of both the inventions of the co-pending application US 2006/0260907 (10/541,430) and of the present application 2006/0130331 (10/544,192) as recorded in the records of the U.S. Patent and Trademark Office at Reel/Frame: 018125/0898 and Reel/Frame: 017543/0889, respectively.

The § 102(f) rejection should now be withdrawn. Subject matter developed by another, which qualifies as prior art under one or more subsections (e), (f), and (g) of Section 102 of 35 United States Code, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-2 stand rejected under 35 USC §102 (b) as anticipated by Geiger et al. WO

02/00388 (corresponding to US 6,816,821). This rejection is respectfully traversed.

Claims 1-2 also stand rejected under 35 USC §102 (b) as anticipated by Selander (US 4,090,287). This rejection is respectfully traversed.

Neither Geiger nor Selander disclose a pallet support member defining at least two pallet mounting surfaces on each of which a distinct pallet, i.e., a new pallet, to which a non-machined workpiece is fixed, and an old pallet (existing pallet) to which a machined workpiece is fixed, can be removably mounted. Specifically the following limitation of claim 1 is not taught nor suggested by either reference:

"a pallet support member disposed adjacent to said table or said pallet mount and adapted to be rotationally indexed about a vertical axis, said pallet support member having at least two vertical pallet mounting surfaces on each of which a distinct pallet can be removably mounted"

It is requested that the application be re-examined with the above-recited amendments and then passed to issue.

No additional fees are believed to be required. In the event that an additional fee is required with respect to this communication, the Commissioner is hereby authorized to charge any additional fees, or credit any overpayment, to Paul & Paul Deposit Account No. 16-0750. (order no. 5193)

Respectfully submitted,
Paul & Paul

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on August 9, 2007
(date)

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